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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAPHNE P. RAND, by and through  
DEBRA L. DOLCH, as Conservator of  
the Person and Estate of DAPHNE P.  
RAND, Conservatee, on Behalf of  
Themselves and All Others Similarly  
Situated,

Plaintiff,

v.

AMERICAN NATIONAL  
INSURANCE COMPANY, a Texas  
corporation,

Defendant.

Case No. CV 09-0639-SI

**CLASS ACTION**

PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR AN AWARD  
OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES  
AND SERVICE AWARD

JUDGE: Hon. Susan Illston  
DATE: September 22, 2011  
TIME: 9:00 a.m.  
CTRM: 10 – 19th Floor

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that, pursuant to the Court's Findings and Order  
3 Preliminarily Approving Settlement, Directing Issuance of Notice to the Class, and  
4 Setting of Fairness Hearing, Plaintiffs will and hereby move this Court on August  
5 8, 2011, for an order: (1) awarding Class Counsel \$3,000,000.00 in attorneys' fees  
6 and expenses; and (2) approving service awards in the amount of \$5,000 to Debra  
7 L. Dolch as Special Administrator and \$15,000 to the Estate of Daphne P. Rand.

8 This motion is based upon the parties' Settlement Agreement, signed May  
9 26, 2011 and the exhibits attached thereto; Plaintiffs' Memorandum in Support of  
10 Motion for an Award of Attorneys' Fees, Reimbursement of Expenses and Service  
11 Award; Joint Declaration of Andrew S. Friedman and Ingrid M. Evans in Support  
12 of Plaintiff's Motion for an Award of Attorneys' Fees, Expenses and Service  
13 Award; Declaration of Andrew S. Friedman in Support of Plaintiff's Motion for an  
14 Award of Attorneys' Fees, Expenses and Incentive Award, Declaration of Ingrid  
15 M. Evans in Support of Plaintiff's Motion for Final Approval and Attorneys' Fees  
16 and Costs, Declaration of Theodore J. Pinter in Support of Plaintiff's Motion for an  
17 Award of Attorneys' Fees, Expenses and Incentive Award, Declaration of Stephen  
18 R. Bassar in Support of Plaintiff's Motion for an Award of Attorneys' Fees,  
19 Expenses and Incentive Award, Declaration of Nancy Rasch in Support of Motion  
20 for Final Approval and Attorneys' Fees and Costs, and such other written or oral  
21 argument as may be presented or required by the Court.

22 This motion is made on the grounds that, *inter alia*: (1) pursuant to the  
23 Settlement Agreement, Defendant American National Life Insurance Company has  
24 agreed to pay Class Counsel's attorneys' fees and expenses up to \$3,000,000,  
25 separate and apart from the relief provided to the Settlement Class, and such award  
26 will not reduce or otherwise affect the settlement relief; (2) the Settlement obtained  
27 by Class Counsel confers substantial and valuable economic benefits to Class  
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Members; (3) Plaintiff's requested award is reasonable and fair under both the lodestar and percentage of recovery analyses approved by the Ninth Circuit; and (4) a service award to the Class Representatives in the amount totaling \$5,000 to Debra L. Dolch and \$15,000 to the Estate of Daphne P. Rand.

A proposed order is submitted herewith.

Dated August 8, 2011

BONNETT, FAIRBOURN, FRIEDMAN &  
BALINT, P.C.

/s/ Andrew S. Friedman

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/s/ Ingrid M. Evans

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BARRACK RODOS & BACINE

/s/ Stephen R. Basser

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 8, 2011.

By: /s/Andrew S. Friedman